

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CAUSE NO. 3:04-CR-138 RLM
)	
LEROY F. MILLER)	

**JOINT MOTION TO APPROVE THE DISPOSITION
OF DEFENDANT LEROY F. MILLER'S FIREARMS AND AMMUNITION**

Comes now the United States of America through David Capp, United States Attorney for the Northern District of Indiana, by Assistant United States Attorney Barbara Z. Brook, and defendant Leroy F. Miller through counsel David P. Jones, and ask this Court to approve the Agreement incorporated herein, to resolve the disposition of firearms and ammunition seized from defendant's home on May 8, 2004. In support the parties would state the following:

1. On November 19, 2009, the Seventh Circuit Court of Appeals reversed and remanded this Court's decision to allow the government to destroy the firearms and ammunition seized from defendant Leroy F. Miller's property on May 8, 2004 because he was a convicted felon and could not lawfully have the firearms and ammunition returned to him. The Court of Appeals suggested several different avenues the government could explore to satisfy concerns that defendant Miller, a convicted felon, would not possess and/or constructively possess the firearms at issue.

2. The parties believe they have resolved the issue and have entered into an agreement, hereinafter "Agreement", whereby the firearms and ammunition will be transferred, upon approval of the Agreement by the Court, to the named trustee to hold in trust until such time as defendant Miller's firearm disability is lifted and/or are sold by the third party.

Wherefore, the parties respectfully ask the court to approve the Agreement incorporated herein (see attached signature pages of Leroy F. Miller and Thomas V. Steinke).

Dated: April 2, 2010

DAVID CAPP
UNITED STATES ATTORNEY

/s/ Barbara Z. Brook

Barbara Z. Brook
Assistant United States Attorney

/s/ David P. Jones

David P. Jones
Attorney for Leroy F. Miller